

Appl. No. 10/724,062
Amendment dated: August 11, 2006
Reply to OA of: May 11, 2006

REMARKS

Applicants acknowledge with appreciation the indication that claims 11-12 and 15-16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Please note, however, that claims 15-16 as presented in the previous amendment are already in independent form. These claims have not been included in any rejection. Accordingly, it is most respectfully requested that objections to claims 15-16 be withdrawn and these claims allowed in the next Official Action.

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Specifically, claims 10 and 17 have been amended to define the phosphor mixture as having both a phosphor of a red luminous color and a phosphor of a green family luminous color as fully supported by the specification as originally filed.

The rejection of claims 10, 13-14 and 17 under 35 U.S.C. 102(e) as being anticipated by Komatsu et al. has been carefully considered but is most respectfully traversed in view of the amendments to the claims.

Applicants wish to direct the Examiner's attention to MPEP §2131 which states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal bros. v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 9fed. cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor co.*, 868 f.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (fed. cir. 1990).

Independent claim 10, as presently amended, is directed to a fluorescent display

Appl. No. 10/724,062
Amendment dated: August 11, 2006
Reply to OA of: May 11, 2006

device comprising an anode electrode formed by pasting a phosphor mixture on an anode conductor, wherein the phosphor mixture has both a phosphor of a red luminous color devoid of Cd, and a phosphor of a green family luminous color devoid of Cd. Also, independent claim 17 as presently amended is directed to a phosphor mixture comprising both a phosphor of a red luminous color devoid of Cd, and a phosphor of a green family luminous color devoid of Cd. Both in claims 10 and 17, the luminous color of the phosphor mixture is one of warm colors ranging from greenish yellow, yellow, yellowish orange.

In contrast, the cited reference, Komatsu et al., only discloses mixing main phosphors of one color with small particle phosphors of the same color. As indicated by the Examiner, Paragraph 0009 of Komatsu et al. discloses that the phosphor layer comprises a mixture of main phosphors and small particle phosphors; and Paragraphs 0014 and 0015 disclose that the main phosphors can be $\text{SrTiO}_3\text{:Pr}$ (red phosphor) and small particle phosphor $\text{ZnGa}_2\text{O}_4\text{:Mn}$ or ZnS:Cd . More specifically, however, Paragraph 0014 of Komatsu et al. discloses mixing the red main phosphors $\text{Y}_2\text{O}_3\text{:Eu}$ with another type of small particle phosphors, which are also blue phosphors (see, e.g., concrete examples 3-5). Paragraph 0015 discloses mixing the various green main phosphors with small particle phosphors of ZnS:Cd , ZnS:Cd , Au, which are also green phosphors (see, e.g., concrete examples 6-10). Paragraph 0016 discloses mixing red phosphors, $\text{Y}_2\text{O}_3\text{:Eu}$, $\text{SrTiO}_3\text{:Pr}$ with other small particle phosphors of $\text{Y}_2\text{O}_3\text{:Eu}$, which are also red phosphors (see, e.g., concrete examples 11-12). As a matter of fact, Komatsu et al. does not disclose mixing a phosphor of a red luminous color and a phosphor of a green family luminous color as defined by the currently amended claims 10 and 17. Although Komatsu et al. merely discloses each element recited in the claims of the present application in its numerous distinct embodiments, any concrete embodiment 1 through 31 discloses the structures of the rejected claims as a whole.

For the reasons discussed above, Applicants now respectfully submit that the pending claims are in complete condition for allowance. Accordingly, it is respectfully requested that the Examiner's rejections be withdrawn; and that claims 10, 13-14 and 17

Appl. No. 10/724,062
Amendment dated: August 11, 2006
Reply to OA of: May 11, 2006

be allowed in their present form.

Should the Examiner require or consider it advisable that the specification, claims an/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case be passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: Richard E. Fichter
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
REF/cjw
A02.wpd
August 11, 2006